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Attorneys for Plaintiff/Counterdefendant  
3COM CORPORATION

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

3COM CORPORATION,  
Plaintiff/Counterdefendant

v.

D-LINK SYSTEMS INC.,

and

REALTEK SEMICONDUCTOR  
CORPORATION

Defendants/Counterplaintiffs.

Case No. Cv-03-2177-VRW

**STIPULATION AND [PROPOSED]  
ORDER**

Date: September 28, 2006  
Time: 9:00 a.m.  
Judge: Vaughn R. Walker

WHEREAS, on January 7, 2003, 3Com Corporation ("3Com") filed its Complaint  
for Patent Infringement and Demand for Jury Trial against D-Link Systems Inc.;

WHEREAS, on May 21, 2004, Realtek Semiconductor Corporation (“Realtek”) filed its Motion to Intervene Pursuant to Fed. R. Civ. P. 24 which was so ordered by this Court on June 23, 2004;

WHEREAS, on June 23, 2004, Realtek filed its Intervention Complaint for Declaratory Judgment;

WHEREAS, on July 13, 2004, 3Com filed its Answer and Counterclaims to Realtek’s Intervention Complaint, alleging, *inter alia*, direct and/or indirect infringement of United States Patent No. 6,115,776 (the “ ‘776 patent”), entitled “Network and adapter with time-based and packet number based interrupt combinations,” in violation of the patent laws of the United States, 35 U.S.C. § 1 *et seq.*;

WHEREAS, on September 2, 2004, Realtek filed its Answer and Counterclaims, alleging in part, that one or more claims of the ‘776 patent are invalid and/or unenforceable for failure to comply with the patent laws of the United States, 35 U.S.C. § 1 *et seq.*;

WHEREAS, on September 16, 2005, 3Com filed its Amended Disclosure of Asserted Claims and Preliminary Infringement Contentions Under Patent Local Rule 3-1, asserting no claims from the ‘776 patent against any accused Realtek product;

WHEREAS, on September 22, 2005, 3Com informed Realtek that it was no longer asserting the ‘776 patent against Realtek at that time;

WHEREAS, on August 14, 2006, Realtek filed its Notice of Motion and Motion to Dismiss with Prejudice 3Com’s Infringement Claims for U.S. Patent No. 6,115,776, re-noticed on August 17, 2006.

NOW, THEREFORE, THE PARTIES STIPULATE AND AGREE AS FOLLOWS:

1. Count Four of 3Com’s Answer and Counterclaims to Realtek’s Intervention Complaint, alleging infringement by Realtek of U.S. Patent No. 6,115,776, is dismissed in its entirety with prejudice with respect to all past and existing Realtek products.

2. The First Claim of Realtek’s Answer and Counterclaims seeking declaratory relief is dismissed with respect to Realtek’s allegations that one or more claims of U.S.

Patent No. 6,115,776 are invalid and/or unenforceable for failure to comply with the patent laws of the United States, 35 U.S.C. § 1 *et seq.*, without prejudice to the reassertion of such claims in another case.

3. Realtek hereby agrees to withdraw its Motion to Dismiss with Prejudice 3Com's Infringement Claims for U.S. Patent No. 6,115,776. The motion hearing previously set for September 28, 2006 shall be removed from the Court's calendar.

4. Each party shall bear its own costs and attorneys' fees with respect to all claims and allegations hereby dismissed.

Dated: September 21, 2006

SIMPSON THACHER & BARTLETT LLP

By: /s/

Kerry L. Konrad

(admitted *pro hac vice*)

Attorneys for Plaintiff/Counterdefendant  
3COM CORPORATION

AKIN GUMP STRAUSS HAUER & FELD LLP

By: /s/

Elizabeth H. Rader, Esq.

(State Bar No. 184963)

Attorneys for Defendant/Counterplaintiff  
REALTEK SEMICONDUCTOR CORP.

Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under penalty of perjury that concurrence in the filing of this document has been obtained from Elizabeth H. Rader.

Dated: September 21, 2006

SIMPSON THACHER & BARTLETT LLP

By: /s/

Kerry L. Konrad

(admitted *pro hac vice*)

Attorneys for Plaintiff/Counterdefendant  
3COM CORPORATION

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: Sept 28, 2006



Honorable Vaughn R. Walker  
United States District Judge